

GORAK & BAY, L.L.C.  
A LIMITED LIABILITY LAW CORPORATION

ORIGINAL

1161 IKENA CIRCLE  
HONOLULU, HI 96821

Telephone & Facsimile:  
(808) 377-3408

GorakandBay@hawaii.rr.com

THOMAS C. GORAK  
ADMITTED IN HAWAII  
MARYLAND & DISTRICT OF COLUMBIA

OF COUNSEL  
TERESA M. BAY  
ADMITTED ONLY IN  
MARYLAND & DISTRICT OF COLUMBIA

February 2, 2010

Chairman and Commissioners  
Public Utilities Commission  
of the State of Hawaii  
465 South King Street, First Floor  
Honolulu, HI 96813

FILED  
2010 FEB - 2 P 2:24  
PUBLIC UTILITIES  
COMMISSION

Re: **Docket No. 2009-0108, In the Matter of, Public Utilities Commission,  
Instituting a Proceeding to Investigate Proposed Amendments To the  
Framework for Integrated Resource Planning.**

Dear Chairman and Commissioners:

Pursuant to the January 28, 2010 "Order Establishing Hearing Procedures," issued by the Public Utilities Commission of the State of Hawaii ("Commission") in this docket, the JW Marriott Ihilani Resort & Spa, Waikoloa Marriott Beach Resort & Spa, Maui Ocean Club, Wailea Marriott, And Essex House Condominium Corporation, on behalf of Kauai Marriott Resort & Beach Club (the "Marriotts") hereby designate undersigned counsel as their witness in this docket for purposes of the panel hearing.

A copy Mr. Gorak's Curriculum Vita is attached to this letter. As discussed at the prehearing conference, the Marriotts respectfully submit that the bulk of their comments as set forth in their Final Statement of Position are encompassed within Issue IV concerning the procedures which would best achieve the Framework's purposes. However, Mr. Gorak will be available to answer questions concerning all five issues.

We are filing an original and eight copies of this letter with the Commission. Kindly receipt stamp the additional copy and return it to the messenger.

Should you have any questions, please do not hesitate to contact me at (808) 377-3408. Thank you for your attention to this matter

Sincerely,



Thomas C. Gorak

cc: Service List, Docket No. 2009-0108, by first class mail or e-mail

## **THOMAS C. GORAK**

### **Professional Experience:**

Mr. Gorak is currently a principal in the law firm of Gorak & Bay, L.L.C. For the past 30 years, he has specialized in matters pertaining to public utility regulation at both the federal and state levels. Mr. Gorak has represented a variety of clients in gas, electric, nuclear, steam, and other utility matters. His clients include commercial customers, trade associations, local distribution companies, natural gas and electricity purchasing consortiums, and others.

Mr. Gorak not only provides direct legal representation to his clients, he also provides a range of services designed to assist them in analyzing and addressing their position in the rapidly-changing public utilities environment. Among other things, he (1) prepares and presents comments for his clients on various policy issues, such as those associated with the restructuring of the natural gas and electric industries at the federal and state levels; (2) evaluates how these policy pronouncements will impact clients and how clients can best position themselves to respond to, and take advantage of, any regulatory changes resulting from these policies; (3) represents clients in rate, tariff, and service proceedings before various federal and state agencies and commissions; (4) reviews contracts concerning the purchase of gas and electric supplies, transportation, distribution, capacity release, and brokering services; (5) negotiates and drafts natural gas and electric franchises, contracts, tariffs, and legislation; (6) analyzes legislation concerning public utility matters; and (7) provides assistance in a variety of other matters concerning public utilities and their operations. He has also served as an expert witness concerning natural gas industry restructuring matters.

Mr. Gorak has gained national recognition for his expertise in matters concerning the ongoing restructuring of the utility industry, and how various federal and state initiatives have affected, and will affect, the residential, commercial, and industrial customers served by the industry. He was co-counsel in two major federal court cases in 1985, the successful appeal of which led to the restructuring of federal regulation of the natural gas industry to permit consumers access to more competitively-priced natural gas supplies.

Mr. Gorak has lectured extensively on the issues raised by the restructuring of utility services. For seventeen years, he served as instructor at both the basic and advanced regulatory courses for the National Association of Regulatory Utility Commissioners (NARUC). He has also served as an instructor for the Wisconsin Public Utilities Institute at their continuing legal education courses. He has been a frequent speaker at a variety of other NARUC programs, such as the annual conference in Williamsburg, Virginia, and has presented speeches for other groups, such as the Department of Energy, the American Bar Association, and the Federal Energy Bar Association. He has published a number of articles concerning various utility restructuring issues.

Recently, Mr. Gorak has been involved in proceedings before the Hawaii Public Utilities Commission concerning interconnection and standby rate charge issues facing customers interested in installing distributed generation/combined heat and power units. Mr. Gorak represented the Maryland Retailers Association and the Building Owners and Managers Association of Metropolitan Baltimore in proceedings before the Maryland Public Service Commission involving electric restructuring in the state of Maryland and other related matters. Over the past twenty-one years, Mr. Gorak has represented a large group of privately- and municipally-owned local natural gas distribution companies in matters pertaining to the federal regulation of interstate pipeline services, the development of transportation and other tariffs, the review of both supply and transportation contracts, and a variety of other matters.

Mr. Gorak has also served as a consultant to ENARGAS, the natural gas regulatory body of Argentina. In this capacity, he developed a manual describing the drafting of natural gas supply and transportation contracts.

Prior to forming his own law firm in 1995, Mr. Gorak was a partner with the Washington, D.C., law firm of Miller, Balis & O'Neil, P.C., where he provided similar services. Between 1980 and 1988, he served as an Assistant People's Counsel for the Maryland People's Counsel, a state agency that represents the interests of residential consumers of Maryland in utility matters before state and federal agencies and courts.

**Education:**

University of Maryland School of Law  
Juris Doctor, 1977 (with honors)

University of Maryland, College Park  
B.S. 1974 (with high honors)  
Double Major: Finance and General Business

**Bar Memberships:**

Mr. Gorak is a member of the Hawaii, Maryland, and District of Columbia Bars, as well as the bars of the Supreme Court of the United States and the United States Courts of Appeals for the Third, Fourth, Fifth, Seventh, Tenth, and District of Columbia Circuits.

**Other:**

Adjunct Professor of Law, University of Baltimore School of Law, 1993-94